

UNITED STATES DISTRICT COURT

District of Massachusetts (Eastern Division)

DIRECTV, INC.) Case No.: 03-12256 NG
Plaintiff,)
vs.) JOINT STATEMENT OF THE PARTIES
) PURSUANT TO LOCAL RULE 16.1(D)
WILLIAM DRISCOLL)
Defendant)
)

Now come the Plaintiff, DIRECTV, and the Defendant, William Driscoll, and pursuant to Local Rule 16.1(D), do hereby submit the following Joint Statement to this Honorable Court.

I. PARTIES' CONFERENCE

John M. McLaughlin, Counsel for the Plaintiff and Kenneth D. Quat, counsel for the Defendant, do hereby certify that they have teleconferenced, on the issues required be discussed pursuant to this rule on April 9, 2004.

II. SETTLEMENT PROPOSAL

Counsel for the Defendant, does hereby certify that he received a Settlement Proposal from the Plaintiff accompanying the Joint Statement, pursuant to Local rule 16.1(C). Counsel for the Plaintiff does hereby certify that he presented said Settlement Proposal to the Defendant. At this time, the Defendant is not in a position to accept the Plaintiff's demand for settlement of the above matter.

III. MEDIATION

The parties are not interested in mediation at this time. They may be interested in

entering into mediation after all, or most, discovery has been completed.

IV. JOINT STATEMENT AS TO DISCOVERY/MOTIONS

The following represents the Agreement of the Parties and is submitted to the Court such that the Court can utilize same in devising the Scheduling Order.

1. Discovery

- A. The Parties propose that all discovery be completed by December 31, 2004.
- B. The depositions of non-expert witnesses shall not exceed seven (7) hours per witness unless leave of the Court has been obtained or a written stipulation of the parties has been entered into to exceed said seven (7) hour limitation. The parties may also utilize subpoena duces tecum in conjunction with these non-expert depositions.
- C. The Parties propose that the written discovery shall include, but not limited to, interrogatories, requests for production, and requests for admissions. Pursuant to Fed. R. Civ. P. 33, interrogatories shall be limited to 25 in number, including sub-parts. Pursuant to Fed. R. Civ. P. 34, each person shall have the opportunity to submit two sets of requests for production of documents and things to the other party.
- D. The plaintiff shall disclose to defendant all experts and expert reports by August 1, 2004. The defendant shall disclose to plaintiff all experts and expert reports by October 1, 2004.
- E. Whenever any discovery controversy arises to the point where motions are filed, all deadline dates as set forth above with reference to discovery shall be automatically extended to include the time necessary for the determination or settlement of the discovery dispute.

2. Motions

- A. All motions filed under Fed. R. Civ. P. 12, 13, 14, and 15 shall be filed no later than

July 1, 2004. All motions pursuant to Fed. R. Civ. P. 56 shall be filed no later than January 31, 2005.

V. CERTIFICATION

Counsel for the Plaintiff counsel for the Defendant and the Parties certify by their signatures below and all pursuant to Local Rue 16.1(D) that each Party and said Parties Counsel have conferred as to:

1. Establishing a budget for the cost of conducting the full course and various alternative courses of litigation; and,
2. To consider the resolution of litigation to the use of alternative dispute resolution programs.

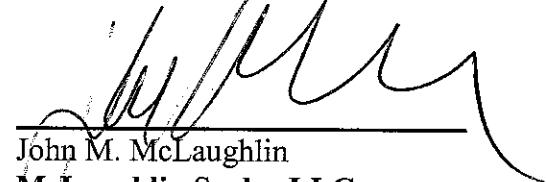
VI. CONSENT TO APPEAR BEFORE A MAGISTRATE

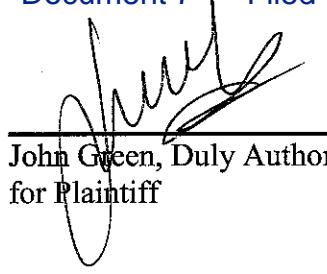
The plaintiff is amenable to trial by magistrate; defendant is not.

Respectfully Submitted for the Plaintiff,
By Its Attorney,

Date

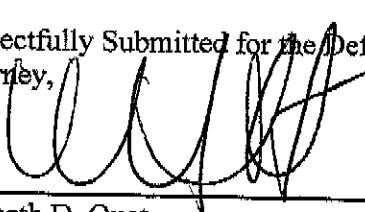
4/9/04


John M. McLaughlin
McLaughlin Sacks, LLC
31 Trumbull Road
Northampton, MA 01060
Telephone: (413) 586-0865
BBO No. 556328

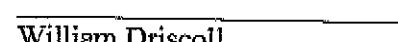


John Green, Duly Authorized Agent
for Plaintiff

Respectfully Submitted for the Defendant By His
Attorney,


Kenneth D. Quat
9 Damonmill Square, Suite 4A-4
Concord, MA 01742
978-369-0848

The Defendant,


William Driscoll